

REMARKS/ARGUMENTS

STATUS OF CLAIMS

In response to the Office Action dated June 15, 2007, claims 1, 6, 12 and 15-19 have been amended, and claims 7-11 have been canceled. Claims 1-6 and 12-19 are now pending in this application. No new matter has been added.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Claim 19 has been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner maintains that the claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner asserts that “There is no mention in the specification of the battery information being electrifiable and/or that the wireless tag has a power source that needs to be activated.”

The phrase “the number of cycles of charging of the battery” has been used throughout the specification and corresponds to “battery information being electrifiable”. Therefore, claim 19 has been amended to recite, *inter alia*:

the wireless tag records at least the information on battery types and information showing ***a number of battery charging cycles.***

Consequently, claim 19, as amended, complies with the written description requirement and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, with respect to amended claim 19 is respectfully solicited.

To address the Examiner's objection that there is no mention in the specification that the wireless tag has a power source that needs to be activated, claims 1, 12 and 15-18 have been amended to change "an activating device which activates a power source of the wireless tag when said non-contact communication is started" to "an activating device which activates the wireless tag when said non-contact communication is started".

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

I. Claims 1-5 and 12-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shiga et al. (USPN 5,635,813) in view of Kaneko (JP 2000-022578), for the reasons substantially of record.

Claims 6-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shiga et al. (USPN 5,635,813) in view of Kaneko (JP 2000-022578), and further in view of Orlando (USPN 6,020,082), for the reasons substantially of record. Orlando has been relied upon by the Examiner as disclosing battery information band strips placed equidistance from the ends of the battery so that the device can readily read the information off the bands without having the user accurately place the battery in the device.

II. The rejection of canceled claims 7-11 is moot.

The rejection of claim 18 is respectfully traversed.

Independent claim 18 delineates, *inter alia*:

a writing device which writes the number of charging cycles in said portable electronic appliance to the wireless tag;

Shiga et al. discloses obtaining battery information from the ID attached to the battery, and that a barcode or a ROM can be applied as ID. However, as noted in the previous response, in Shiga et al., battery information can be read from the ID, but *cannot be written to it*. That is, Shiga et al. does not disclose or suggest a writing device which writes information in the electronic apparatus to the wireless tag. Kaneko also fails to disclose or suggest a writing device which writes information in an electronic apparatus to the wireless tag. Therefore, independent claim 18 is patentable over Shiga et al. and Kaneko, and its allowance is respectfully solicited.

To expedite prosecution, independent claims 1, 6, 12, 15, 16 and 17 have been amended to add the limitation of “a writing device which writes information in said portable electronic appliance to the wireless tag”. Thus, amended independent claims 1, 6, 12, 15, 16 and 17 clearly distinguish over Shiga et al. and Kaneko.

Furthermore, in Shiga et al, since the power source for the control circuit and ROM is supplied from batteries, the control circuit and ROM continually consume battery power. This is different from what is recited in independent claims 1, 12 and 15-18, as amended, where the wireless tag *is activated when said non-contact communication is started*.

In view of the above, amended independent claims 1, 6, 12, 15, 16, 17 and 18 are patentable over Shiga et al and Kaneko, as are dependent claims 2-5, 13 and 14. Therefore, the allowance of claims 1-6 and 12-18, as amended, is respectfully solicited.

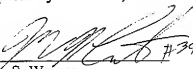
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: September 14, 2007

Respectfully submitted,

By  7-39, 491
Marc S. Weiner
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East, P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant